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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,782	08/19/2003	Horst Schonebeck	60,130-1825;02MRA0403	4134

26096 7590 10/18/2004

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,782

Applicant(s)

SCHONEBECK, HORST

Examiner

Sam Chuan C. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01-26-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a method of producing a vehicle interior lining, classified in class 156, subclass 78.
 - II. Claims 10-19, drawn to a vehicle interior lining, classified in class 428, subclass 304.4.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as providing a foamable backing onto a surface of an open-cell foam barrier layer and then applying a decorative layer onto an exposed surface of the barrier layer.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Ms Anna Shih on 09-24-04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-9.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 10-19 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over 9 GB 1,335,098 in view of JP 53059780 A, JP 56086719 A, DE 4130130 A1, and Davis (US 4,062,711).

With respect to claims 1 and 6, GB '098 teaches a process of making a resin impregnated article, the process comprising impregnating a open-cell foam with a thermosetting resin; applying a reinforcing fibers such as glass fibers onto a surface of the resin impregnated foam; compressing the reinforcing fibers and the resin impregnated foam together to expel the resin in the foam into the reinforcing fibers and form an intermediate product; and, applying a polyurethane foaming composition onto a surface of the intermediate product so that a small amount of the composition penetrates into the foam to enhance anchorage between the polyurethane foam and the intermediate product (page 1 line 14 to page 2 line 78; example). Although a resin impregnated foam is not expressly characterized as a barrier layer, the resin impregnated foam is taken to be

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functionally equivalent to a barrier layer, because as noted above, only small amount penetrate into the foam.

It is unclear, however, whether an outer reinforcing fiber (e.g. fiberglass) layer taught by GB '098 can reasonably be considered as a decorative layer. In any event, it would have been obvious in the art, motivated by the desire to enhance the aesthetic appearance of a resultant impregnated article, to provide a decorative printing onto a surface of a reinforcing fiber layer, because it is well known and conventional in diverse field of art to apply a desired printing pattern on a glass fiber non-woven web as exemplified in the teachings of JP '780 (abstract), JP '719 (abstract), DE '130 (abstract), and Davis (col. 7 lines 4-18).

With respect to claims 2-3, a resin impregnated foam and reinforcing fibers are glued together via a resin expelled from the foam to form a laminated intermediate product

With respect to claim 4-5 and 7, it is conventional in the art to apply a randomly distributed reinforcing fibers into a foaming composition to enhance the structural strength of a resultant foam.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 6 as applied to claim 7 above, and further in view of Bohm et al (US 6,499,797 B1).

It would have been obvious in the art to introduce glass fibers in a liquid foamable material as such is conventional in the art as exemplified in the teachings of Bohm et al (col. 3 line 65 to col. 4 line 2; col. 6 lines 6-34).

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8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 6 as applied to claim 1 above, and further in view of Kargarzadeh et al (US 5,230,855).

It would have been obvious in the art to embed a fastening device in a liquid foamable material during a foaming operation as such conventional in the art as exemplified in the teachings of Kargarzadeh et al (figure 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
10-14-04